



FACTS ABOUT ESTABLISHING PATERNITY

WHAT DOES ESTABLISHING PATERNITY MEAN?

"Establishing paternity" means identifying and legally determining a child's father. Establishing paternity recognizes the father's rights and responsibilities when a child is born to parents who are not married to each other. If a mother is married when a child is conceived or born, the husband is legally the child's father. No further actions to establish paternity will be taken by the child support program.

WHY ESTABLISH PATERNITY?

In 2006, thirty-four percent of Wisconsin births were to unmarried mothers. Paternity establishment helps guarantee both the child's and the father's rights. All children deserve to know both of their parents. Children have the right to be supported by both of their parents, even when the parents are not married to each other. Paternity must be established before a court can order child support.

Establishing paternity might make the child eligible for Social Security and veterans benefits if the father dies or becomes disabled. Establishing paternity helps protect the child's inheritance rights and tribal enrollment rights. It also ensures that the child's doctor can learn about their family medical history. This is important because many illnesses, such as diabetes, cancer, and sickle cell, can be passed on from one's parents.

HOW DOES IT WORK?

Paternity may be established any time after the child is born. There are three ways paternity may be established.

- 1) **Voluntary Paternity Acknowledgment** - If the parents are sure who the father is and both parents are 18 or older, the parents may sign a *Voluntary Paternity Acknowledgment form* and file the form with the state Office of Vital Records. Correctly filing the form fully establishes legal paternity. The father's name will be added to the birth certificate. Parents may fill out the form and have it notarized at the hospital when their baby is born. All hospitals in Wisconsin have the *Voluntary Paternity Acknowledgment form*. This form is also available from midwives, county and tribal child support agencies, most county register of deeds offices, and the Wisconsin Office of Vital Records in Madison. The parents may complete a *Voluntary Paternity Acknowledgment form* any time after the child is born. Please note: This form cannot be used if the mother is still legally married to someone other than the biological father.
- 2) **Court Ruling** - If the man named as the father denies he is the father or if he is not sure, genetic tests will be ordered. If the tests prove the man is not the father, the court will dismiss the case against him, unless one of the parties (one of the parents or attorneys) requests additional testing. (Some local courts may charge a filing fee for a court hearing. The fee might be waived due to hardship. Fees are not charged to parents receiving public aid.)
- 3) **Acknowledgment of Marital Child (Legitimation)** - If the parents marry **after** their child is born, the parents may fill out an *Acknowledgment of Marital Child (Legitimation)* form and have it notarized. The correctly-filed form gives the child and the father the same rights as if the parents had married before the child was born and adds the father's name to his child's birth certificate. The form is available at local child support agencies and from the Wisconsin Office of Vital Records.

WHEN SHOULD GENETIC TESTING BE DONE?

If the man or the mother is not absolutely sure that the man is the father, they **should** ask their child support agency for genetic tests. They should wait until after they receive the test results before signing the *Voluntary Paternity Acknowledgment form*.

WHAT HELP IS AVAILABLE TO ESTABLISH PATERNITY?

Either parent may ask their local child support agency for help in establishing paternity. The agency may charge a 1-time \$25 fee that will cover most services. The agency might not charge the fee due to financial hardship. Mothers in the W-2 program and some mothers in the Badger Care Plus program will automatically get help establish paternity. These mothers are not charged the \$25 application fee.

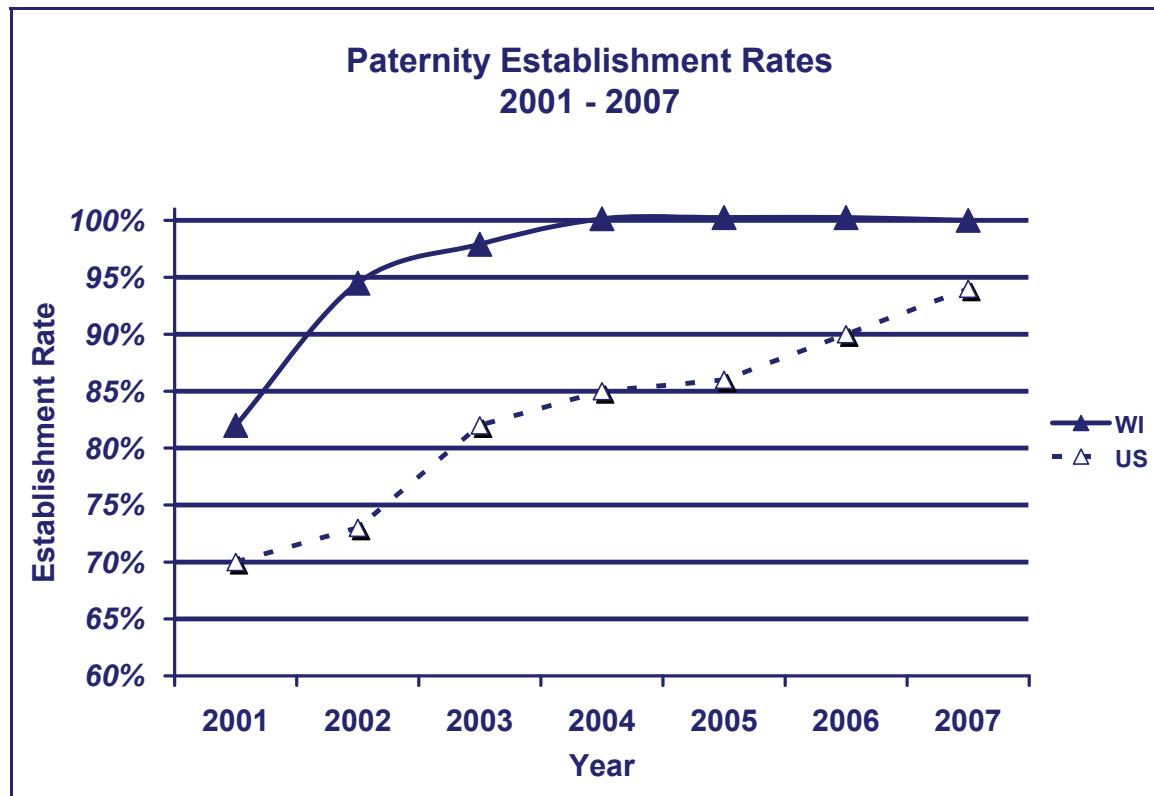
WHAT LAWS AFFECT PATERNITY ESTABLISHMENT?

Federal laws require states to actively pursue the establishment of paternity for children whose parents are not married to each other. Wisconsin requires child support agencies to attempt to establish paternity in every case where a father's name does not appear on the birth certificate.

HOW SUCCESSFUL IS WISCONSIN IN ESTABLISHING PATERNITY?

Because of our emphasis on paternity establishment, Wisconsin does very well in its efforts to ensure that every child has a legally recognized father. Almost all nonmarital children who receive child support services had paternity established.

PATERNITY ESTABLISHMENT RATES



FOR MORE INFORMATION

Contact your local child support agency (listed online at childsupport.wisconsin.gov and in your phone book under "county government" or tribal name).

Child support information is also online at childsupport.wisconsin.gov. Most public libraries offer free Internet access.

The Department of Children and Families is an equal opportunity employer and service provider. If you have a disability and need to access this information in an alternate format, or need it translated to another language, please contact (608) 266-9909 or (800) 947-3529 TTY (Toll Free).